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August 1, 2005

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

**Re: WC Dockets 04-36 and 05-196**  
**Subscriber Notification and Acknowledgement Status and Compliance Report**  
**8x8, Inc.**

Dear Ms. Dortch:

Submitted herewith on behalf of 8x8, Inc. is a "Subscriber Notification and Acknowledgement Status and Compliance Report." Please refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,

**DLA Piper Rudnick Gray Cary US LLP**

/s/

Larry A. Blosser  
[larry.blosser@dlapiper.com](mailto:larry.blosser@dlapiper.com)

Subscriber Notification and Acknowledgement Status & Compliance Report  
FCC WC Docket No. 05-196

*Detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.*

On July 8, 2005, the 8x8, Inc. (the Company) sent e-mails to each of its subscribers with the following content:

Dear Packet8 Subscriber,

In accordance with the recent Federal Communications Commission (FCC) Order regarding Voice over Internet Protocol (VoIP) enhanced 911 (E911) services, we would like to take this opportunity to provide you with the following important information regarding the Packet8 E911 service. Though Packet8 E911 service is currently an optional feature, it will soon be a required element of your service plan and subscribers must be made aware of the limitations of calling 911 from their Internet phone service.

Please review the content of this email in its entirety and, when you have finished, click on the link below to let us know you have read and understand the features and limitations of Packet8 E911 service. This is a requirement by the FCC and, without your acknowledgement, we will no longer be able to offer you Packet8 internet phone service.

Also, please note that Packet8's E911 service applies only to the United States E911 system. If you are using the Packet8 service outside of the United States in a country where the calling code 9-1-1 is used to reach emergency services, Packet8's E911 service will not work in these foreign jurisdictions.

As explained in the Terms and Conditions applicable to your service, Packet8 E911 service already mimics the E911 service provided by traditional landline phone companies. However, we are required by FCC rules to send you this additional notice that, under certain circumstances, when you dial 911 from a phone connected to the Packet8 service, E911 service may not be available, or the E911 service may be in some way limited by comparison to traditional 911 service. These circumstances are:

- The relocation of your Packet8 broadband phone device (DTA 310, BPA 410, Packet8 VideoPhone and Packet8 Virtual Office phones/adapters) to a physical address other than that which you provided when you activated your account.
- Instances where a subscriber's broadband phone device fails or is not configured properly.
- An electrical power outage, broadband internet service outage or suspension/disconnection of Packet8 service due to billing or other issues.

- A delay in the provision of Packet8 service ("dial tone") at the physical address provided at the time of account activation, or at any other location to which you may later move the Packet8 broadband phone device, due to the time required to process automatic number and location information to be provided to local emergency service operators. FCC regulations, effective 11/28/05, require that 911 calls be transmitted, along with automatic number identification and automatic location information, to the appropriate local public safety answering point. Automatic number identification and location information is typically populated into E911 databases approximately seven (7) days after you provide it to Packet8. However, no guarantees can be made that automatic number and location information will be available to emergency service operators and your service activated (or reactivated at a new location) within this schedule.
- Instances where the local emergency service operator receiving Packet8 E911 emergency service calls may not have a system configured for E911 services or be able to capture and/or retain automatic number or location information.
- Due to technical factors in network design and in the event of network congestion on the Packet8 network, there is a possibility that a Packet8 E911 call may produce a busy signal or experience unexpected answering wait times and/or take longer to answer than 911 calls placed via traditional, legacy, circuit-switched telephone networks.
- The incorrect identification (at the time of activation) of the actual location where the Packet8 equipment will be located. If the Packet8 subscriber fails to accurately report the actual location where the Packet8 equipment will be located at the time of activation of the service, Packet8 E911 communications may not be directed to the correct local emergency operator.

Additional information about Packet8 E911 service and the conditions necessary for its proper functioning can be found at [www.packet8.net](http://www.packet8.net).

So that we may continue to offer you Packet8 Internet phone service, please click on one of the following choices. Failure to do so will result in an interruption of your Packet8 phone service. [Click here to submit your response](#) (you must first login at the Packet8 homepage)

Thank you for your prompt attention to this matter.

Regards,  
Packet8 Customer Service

On the same date (July 8, 2005), the Company began tracking in its central customer account database those subscribers who had affirmatively acknowledged the above e-mail and those who had not. Any subscriber who logs into the customer portal at <http://www.packet8.net> and has not affirmatively acknowledged our E911 notice is again presented with the notice and other information and is prevented from accessing the online account until such acknowledgement is obtained. Thus, subscribers are unable to access their online account settings and billing information without reading and acknowledging this notice.

The same e-mail was sent again to those subscribers who had not yet acknowledged receipt and understanding on July 12, July 14 and July 23, 2005.

Beginning on July 22, 2005, the Company began intercepting a small percentage of each non-responsive subscriber's outgoing calls and routing the calls to an Interactive Voice Response (IVR) system, where the caller heard the following recorded message:

Hello, this is your Internet phone service provider's Customer Service Department with an important message about voice-over-IP 911 emergency calling services.

In accordance with a recent FCC ruling, we have already emailed you several notices regarding the potential limitations of your E911 service, but have not received an online acknowledgement from you.

You may provide this acknowledgement now by selecting one of the following options:

If you understand the limitations of our E911 services as outlined in our recent emails, please press "1" now.

If you are not using this service within the United States, please press "2" now.

If you have not received the E911 email or require additional information on this subject, please log into your account where you will be able to submit an online acknowledgment.

Thank you for your cooperation. No further action on your part is required at this time. This message will periodically repeat until you press "1" or "2", or log into your account and submit an online acknowledgement.

The Company has been gradually increasing the percentage of outbound call attempts of non-responsive subscribers that are intercepted and sent to this IVR.

The Company has been especially concerned in avoiding any service interruption to our business VoIP customers. The Company sent voice mails to its Packet8 Virtual Office business VoIP customers instructing them to log in to the Packet8 Virtual Office portal and acknowledge their receipt and understanding of our E911 services in order to avoid any interruption in service. The voice mails were sent 4 times to each non-responsive business. Beginning on July 25, 2005, the Company began personally calling each of its remaining non-responsive business customers to insure that it has an affirmative acknowledgement of receipt and understanding from each of these businesses. As of July 29, 2005, 97% of the Company's business customers have affirmatively acknowledged the VoIP E911 notice.

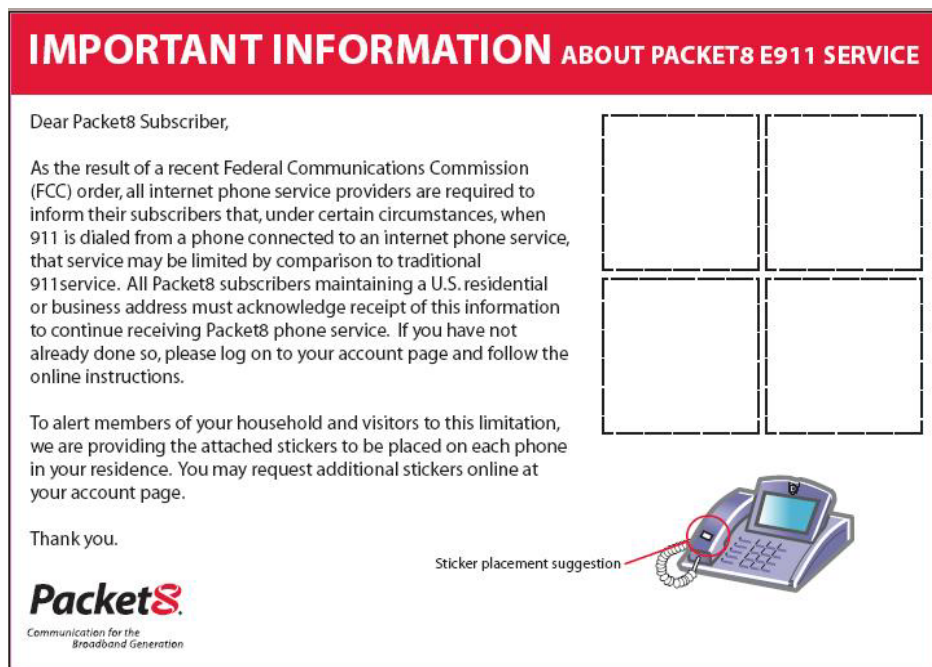
*Quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.*

As of July 29, 2005, approximately 75.4% of the Company's subscribers have submitted an affirmative acknowledgement. The Company does not have an estimate of the

percentage of subscribers from whom it does not expect to receive an acknowledgement by August 29, 2005.

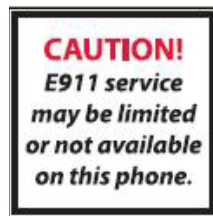
*Detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).*

On July 27, 2005, the Company mailed (via U.S. postal mail) a postcard containing four (4) stickers to each of its subscribers. The postcard and sticker content is illustrated below:



**8x8, Inc.**  
3151 Jay Street  
Santa Clara, CA 95054  
888.898.8733  
408.687.4120 outside U.S.  
www.packet8.net

Customer Address



On the same date, the Company also began including a set of 4 stickers in each set of Customer Premise Equipment (CPE) shipped from the Company's fulfillment centers. Because the Company currently has sealed CPE in its retail and reseller channels, the Company has also shipped a supply of the above stickers to each of its retail and reseller partners and instructed them to co-locate the stickers with the aforementioned CPE inventory.

*A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above.*

0 (zero) %

*A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.*

The Company plans to revise the language in its outbound e-mails and IVR systems to specifically state that subscribers who do not affirmatively acknowledge by August 30,

2005 will have their VoIP services from the Company interrupted. Depending on the number of non-responsive customers remaining as the August 30 deadline approaches, the Company may also begin personal outbound calls (both voice and video) to these non-responsive customers.

As of August 30, 2005, the Company plans to suspend all inbound and outbound calling to those subscribers who have not affirmatively acknowledged these notification attempts. All outbound call attempts will be directed to the aforementioned IVR system where we will continue to process affirmations, or otherwise connect the subscriber to a Packet8 customer service representative for further information and options. All inbound callers to these subscribers will hear a recorded message explaining why the subscribers' Packet8 service has been suspended and instructing the caller to contact the subscriber by other means. The Company has not yet made a decision on whether IP-to-IP videophone service for its non-affirming videophone service customers will be maintained after August 30, 2005, or whether these customers' inbound and outbound videophone services will also be suspended.

*Detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.*

The acknowledgements from our subscribers are being maintained as a field in our central customer account database. Information from customers who acknowledge online or in response to our e-mails is entered directly into this database. For customers who acknowledge via touch tones in our IVR system, our switching platform records the date and time of the touch tone acknowledgement, and the acknowledgement information is later propagated to our central customer account database.

*The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.*

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